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ENVIRONMENT & ENERGY REPORT

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Highlights

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LEADING THE NEWS

Bayer Loses First Phase of Roundup Trial, Liability Up Next (1)

By Joel Rosenblatt

Bayer AG lost the first phase of a trial over claims its Roundup weed killer causes cancer and now moves to a second phase to determine liability and damages in the case of a man who sprayed the herbicide on his property for decades.

Feds Must Look at Oil, Gas Leases' Effects on Climate Change

By Bernie Pazanowski

The U.S. Bureau of Land Management must take a hard look at the impact oil and gas leases on federal land may have on climate change before selling them, a federal district court said.

Colorado River States Reach Deal to Confront 19-Year Drought

By Emily C. Dooley, Tripp Baltz and Brenna Goth

The seven states that depend on water from the Colorado River agreed to a plan for reducing the effects of a 19-year drought along the stressed waterway, although the deal excludes the river's largest user.

Solvents, Phthalates Among 40 Chemicals EPA to Vet This Year (1)

By Pat Rizzuto

The EPA released a list of 40 chemicals March 20 that it will examine this year to decide which 20 are a "high priority" to proceed down a pipeline that could lead to restrictions.

CHEMICALS

Plastic Trash Backlash Threatens Lean Years for Chemical Makers

By Jack Kaskey

The chemical industry is heading for a slowdown as society turns against disposable plastics and the rise of recycling weakens demand, IHS Markit predicted at its annual World Petrochemical Conference.

Industry Advisers Like EPA Strategy on Chemical Vetting

By Pat Rizzuto

The EPA's strategy to include groups of similar chemicals and chemicals for which there is readily available information should help save time as it sorts through 40 chemicals this year, according to chemical industry advisers.

Why Bayer Shares Are Facing Such Trials Over Roundup: QuickTake

By Joel Rosenblatt and Margaret Cronin Fisk

Many Bayer AG investors didn't realize just how much litigation risk they were getting when the German company spent \$63 billion in June 2018 to acquire Monsanto Co., the giant U.S. seed and herbicide maker. Since then, two adverse verdicts concerning Monsanto's blockbuster weedkiller, Roundup, have rocked Bayer's shares, which were down 38 percent as of March 20. With more than 11,000 Roundup cases still pending, along with a flood of lawsuits over waterways contaminated with PCBs and fresh cases emerging over another Monsanto herbicide, Dicamba, investors are left to ponder the final cost of Bayer's increased legal exposure.

AIR, WATER, AND WASTE

U.S. Resists India's Push to Ban Single-Use Plastic at UN

By Lou Del Bello and Dean Scott

India's proposal for a global ban on single-use plastic was scuttled last week by U.S. objections, a move that environmental groups call the latest example of the Trump administration's continued weakening of international environmental agreements.

Can Lake Erie Sue You? Activists Defend Legal Theory Saying Yes

By Alex Ebert

Lake Erie deserves its day in court.

Hawaii's Novel Plastic Bans Inch Closer to Legislative Approval

By David McAfee

Hawaii state lawmakers are getting closer to passing a first-in-the-nation ban on single-use plastics as a means to reduce local and marine pollution.

EPA Budget Cuts Could Limit Forensic Studies for Enforcement

By Sylvia Carignan

President Donald Trump's proposed budget cuts could hamper the EPA's efforts to link contamination at hazardous waste sites to companies and others that may be responsible for the pollution, environmental consultants said March 19.

Houston Chemical Blaze Extinguished as Smoke Shuts Schools

By Joe Carroll and Stephen Stapczynski

Firefighting crews early March 20 extinguished a petrochemical tank fire near Houston that had blazed for almost four days, spewing black smoke into the skies above the energy capital and spurring the hurried cancellation of classes for tens of thousands of children.

Clock Ticking for Oil Companies to Reinvent Themselves, Chu Says

By Stephen Joyce

Continued U.S. reliance on natural gas will lead to long-term hazards, and global dependence on carbon fuels must end in no more than 50 years, if the world is to mitigate the almost certain negative effects of climate change, former Energy Secretary Steven Chu said.

ENERGY AND NATURAL RESOURCES

Trump to Finalize \$3.7 Billion in Aid for Troubled Nuclear Plant

By Ari Natter

The Trump administration will finalize \$3.7 billion in loan guarantees to Southern Co. and its partners who are building a troubled nuclear reactor project in Georgia—the last of its kind under construction in the U.S.—according to two people familiar with the matter.

Federal Energy Regulatory Commission's Chief of Staff Resigns

By Rebecca Kern

Anthony Pugliese, the chief of staff for the Federal Energy Regulatory Commission, resigned March 15 to work in the private sector.

CLIMATE

Water a Bigger Priority for EPA Chief Than Climate

By David Schultz

The head of the EPA said water, not climate change, is the most pressing environmental issue the world is facing.

Trump Climate Denial Poses National Security Danger, Inslee Says

By Rebecca Kern

Washington Gov. Jay Inslee (D), a 2020 presidential hopeful, criticized President Donald Trump on March 20 for not taking action on climate change risks to military bases.

INSIGHT

INSIGHT: Fifth Circuit Gives Employers Blueprint on Independent Contractors

A recent Fifth Circuit decision offers a blueprint on the appropriate way a company can establish independent contractor relationships with consultants. The case involved oil drillers in Texas and the result is a win for energy companies, says Lionel Schooler, a labor attorney with Jackson Walker LLP in Houston.

INSIGHT: Genomics Could Make Toxic Mass Tort, Class Actions Harder to Win

Many mass tort and class action suits like the one involving Johnson & Johnson's baby powder presume

all people react to environmental exposures the same way. Medical geneticist Dr. Bob Wassman says genomics could make winning cases harder because genomics can show whether cancer was caused by toxins or something else.

FROM THE STATES

NASA Balks at Nuclear, Rocket Site Cleanup Plans in California (1)

By Emily C. Dooley

NASA is clapping back at California over a cleanup plan to remove heavy metals, volatile organic chemicals, and other contaminants from a Simi Valley site once used to test rockets and research nuclear energy.

New England Algonquin Pipeline Approval Upheld by Appeals Court

By Rebecca Kern

The federal government's approval of Enbridge Inc.'s Algonquin natural gas pipeline project takes precedence over a Massachusetts town's opposition to the pipeline, a federal appeals court ruled March 19.

Dominion Coal Ash Cleanup Bill Signed by Virginia Governor

By Andrew M. Ballard

Virginia Gov. Ralph Northam (D) on March 20 signed what he calls a historic coal ash cleanup measure that calls for Dominion Energy Inc. to remove more than 27 million cubic yards of coal ash at four sites.

CEO Faces Over \$48M in Liability for Polluted Long Island Site

By Peter Hayes

The former chief executive officer of a defunct company that ran a manufacturing site on Long Island is on the hook for more than \$48 million in Superfund cleanup costs, the Northern District of New York ruled.

Asbestos Case Tied to Father's Work Clothes Survives in Colorado

By Peter Hayes

Industrial pump and boiler makers must face claims under Colorado law by a man who alleges his exposure to asbestos from his father's work clothes caused his mesothelioma.

Canada Aims to Spur Electric Car Sales in Latest Budget

By James Munson

Canada is seeking to expand electric car purchases and have auto manufacturers build the vehicles in-country under new measures unveiled March 19.

Vale Gets Court Ruling That May Lead to Brucutu Mine Restart

By Peter Millard and Luiza Ferraz

A Brazilian court issued a ruling to allow the world's largest iron ore producer to resume operations at a tailings dam and a mine that were shut in early February as a precaution after a deadly mining accident in the region.

How Brexit Could Reverberate Through the Biggest Carbon Market

By Mathew Carr and Ewa Krukowska

The world's largest carbon emissions market is shuddering from risks stemming from Britain's plan to leave the European Union.

EU Mulls Restrictions on Microplastics, Other Chemicals

By Stephen Gardner

The European Union is asking for public comment on three proposals that would ban some common uses of microplastics, formaldehyde, and siloxanes in products such as make-up and cleaning fluid.

Japan Offshore Wind Spots Shouldn't Disrupt Local Fishing: Panel

By Tsuyoshi Inajima

The Japanese government should pick locations for offshore wind development that don't disrupt local fishing, a government panel recommended in an interim report.

Crackdown on Bile Trade Backfires on Vietnam's Bears

By Lien Hoang

It is a case of good news, bad news for Vietnam's decimated population of captive bears.

LNG May Muscle In On Coal in Vietnam's \$7.8 Billion Power Plan

By Nguyen Dieu Tu Uyen and Stephen Stapczynski

Vietnam's latest plans for \$7.8 billion in gas-fired power projects may see the nation become one of the world's newest liquefied natural gas importers and cut its coal use.

Norway Government Wins ESA Ruling on Oil Exploration Tax Refunds

By Jonas Bergman

Norway won against a complaint filed with the EFTA Surveillance Authority allowing it continue paying refunds to oil and gas explorers in a program that has paid back about \$13 billion since 2005.

China State Fund Joins Global Shift From Coal Power Funding

By Bloomberg News

One of China's largest state investment companies vowed to stop plowing money into new coal-fired plants, joining a global shift by financiers away from the polluting fossil fuel.

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